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OFFICE OF PETITIONS

In re Application of :
Teshima Masao :
Application No. 10/684,758 : **DECISION GRANTING PETITION**
Filed: October 14, 2003 :
Attorney Docket No. 85013-0306201 :

This is a decision on the petition filed February 2, 2004, requesting that the above-identified application be accorded a filing date of October 14, 2003, with 16 pages of the specification, 7 pages of claims, 1 page of abstract, as part of the original disclosure.

On October 14, 2003, the above-identified application was filed. On January 16, 2004, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application" (the "Notice"), stating that the application had not been accorded a filing date because the specification was not found with the application papers. The Notice also indicated that the oath or declaration was missing. The Notice allowed a non-extendable two-month period for reply beginning from the mailing date of the Notice.

In response, on February 2, 2004, applicant filed the present petition, a copy of the complete application papers, and a copy of the Office date-stamped postcard receipt acknowledging receiving 16 pages of the specification, 7 pages of claims, 1 page of abstract, and an oath or declaration, along with other items on October 14, 2003.

Upon review of the record, the alleged missing items were not located among the original application papers. The evidence is convincing, however, that the specification, abstract, and declaration accompanied the original application papers. Therefore, the application, including 16 pages of the specification, 7 pages of claims, 1 page of abstract, and 2 pages of the declaration was complete on filing and entitled to a filing date of October 14, 2003.

Accordingly, the petition is granted. The petition fee of \$130.00 will be refunded, in due course.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of October 14, 2003, using the 16 pages of the specification, 7 pages of claims, 1 page of abstract, and declaration filed on that date.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions